

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RESEARCH IN MOTION LIMITED and
RESEARCH IN MOTION CORPORATION,

Plaintiffs,

v.

DATAQUILL BVI, LTD.,

Defendant

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Civil Action No. 3:06-cv-973-N

ECF

Jury Trial Demanded

Judge David C. Godbey

RIM'S OPPOSED MOTION FOR ISSUANCE OF LETTERS ROGATORY

Plaintiffs Research In Motion Limited and Research In Motion Corporation (collectively "RIM") move this Court to issue Letters Rogatory directed to the appropriate judicial authority in British Columbia Canada requesting the examination of Garry Douglas Robb, aka Gary Douglas Robb.

Grounds for Relief

1. RIM has brought this suit based on a declaratory judgment claim of noninfringement and invalidity of two U.S. Patents: 6,058,304 and 7,139,591 ("the Patents in Suit"). RIM's first amended complaint (docket 43) seeks, among other things, a declaration that RIM does not infringe any valid claims of the Patents in Suit. The complaint further seeks a declaration that the asserted claims of the Patent in Suit are invalid.

2. The Answer of the defendant DataQuill BVI, Ltd. ("DataQuill") denies the material allegations of the complaint, and countersued for patent infringement of the Patents in Suit by RIM's Blackberry products.

3. RIM desires to take the deposition of Garry Douglas Robb, who is a necessary and material witness to RIM to prove the claims alleged in their complaint. This witness has crucial knowledge in that he is a named inventor on both of the Patents in Suit, as well as on related applications.

4. The testimony of the witness is material and necessary in behalf of RIM to establish at least the following:

- a. the date of conception and reduction to practice of the alleged inventions of the Patents in Suit;
- b. prior art to the Patents in Suit;
- c. the written description, best mode, and enablement requirements under the patent laws related to the asserted claims;
- d. contributions by the inventors of the Patents in Suit; and
- e. activities of the owner of the technology of the Patents in Suit relating to the licensing of the Patents in Suit; among other things.

5. RIM has no alternative to the testimony of this witness because Mr. Robb possesses unique testimony regarding his understanding of the prior art, his understanding of the dates of conception and reduction to practice of the inventions of the Patents in Suit; his understanding of his licensing activities while at DataQuill, among other things.

6. Mr. Robb is not available for deposition in this country.

7. Counsel for Mr. Robb has communicated to RIM that Mr. Robb will not agree to appear voluntarily for deposition, or otherwise waive the formalities of pursuing this extraterritorial relief.

Record on Motion

This Motion is based on this document, on the attached Memorandum of Points and Authorities, on the attached Declaration of Gregory A. Duffey, on the attached proposed form of Letters Rogatory, and on all of the pleadings and papers on file in this action. A proposed Letters Rogatory is being filed concurrently.

Dated: March 6, 2008

/s/ Gregory A. Duffey

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CERTIFICATE OF SERVICE

I certify that on the 6th day of March, 2008, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case files system of the court. The electronic case files system sent a "Notice of Electronic Filing" to the following individuals who have consented in writing to accept this Notice as service of this document by electronic means:

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I hereby certify that I have served the foregoing document by mailing a copy to the following individuals:

None

/s/ Gregory A. Duffey
Gregory A. Duffey